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PATENT
Attorney Docket No. 044921-5058-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

CONTINUATION PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

This is a request for filing a Continuation patent application under 37 C.F.R. 1.53(b).

1. This application is a Continuation Patent Application under 37 C.F.R. 1.53 of pending prior application No. 09/084,471 filed on May 22, 1998 of:

Inventors: 1. Patricia D. Murphy, Slingerlands, NY
2. Marga B. While, Frederick, MD
3. Mark B. Rabin, Rockville, MD
4. Sheri J. Olson, Falls Church, VA
5. Matthew Yoshikawa, Germantown, MD
6. Geoffrey M. Jackson, Beltsville, MD
7. Tara Eskandari, Rockville, MD
8. Brenda Schryer, Bel Air, MD
9. Michael Park, Rockville, MD

For: **Novel Coding Sequence Haplotypes of the Human BRCA2 Gene**

Prior Application: 09/084,471

Examiner: C. Myers

Group Art Unit: 1634

2. The papers enclosed are as follows:

A new continuation application:

204 Pages of specification including

047 Pages of description

137 Pages of sequence listing

019 Pages of claims

001 Page of abstract

13 Sheets of Drawings (Figures 1A to 3)

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3. Additional Papers Filed:

(i) Copy of Declaration

(ii) Copy of Notice Regarding Power of Attorney

4. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or

declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

5. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
6. Extension of Time in Parent Application No. 09/084,471: For the purposes of maintaining copendency between prior application 09/084,471 and this continuation application, Applicants petition for a five-month extension of time from June 5, 2005 to November 5, 2005. If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor. This request is being filed under the next business day rule on Monday, November 7, 2005 as the due date for responding fell on a Saturday (November 5, 2005).
7. Amendments: Prior to calculation of the application filing fee, please note that claims 2 to 31, 33 and 35 to 60 have been cancelled without prejudice or disclaimer.
8. Fee Calculation (37 C.F.R. 1.16):

APPLICATION FILING FEES FOR FEE CALCULATION				
Basic Application Filing Fee				\$300.00
Application Size Fee				\$00.00
Search Fee				\$500.00
Examination Fee				\$200.00
				Sub-total = \$00.00
CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	
Total Claims	3 - 20	0	\$50.00 each =	\$00.00
Independent Claims	3 - 3	0	\$200.00 each =	\$00.00
Multiple dependent claims			\$360.00	\$00.00
			Sub-total =	\$00.00
			Reduction by ½ for filing by a small entity	-\$00.00
			Total Filing Fee =	\$00.00

9. Fee Payment: The Commissioner is hereby authorized to charge \$2,160.00 to Deposit Account No. 50-0310 for payment of the five-month extension of time in prior application 09/084,471.

The application filing fee is not being paid by at this time. This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.

10. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.

11. Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Please accord this new U.S. Continuation Application a serial number and filing date.

Dated: November 7, 2005

Morgan, Lewis & Bockius LLP

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202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Robert Smyth
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